REMARKS

Introduction

Claims 2-48 were previously pending. Claims 2-21, 23, 32 and 41 have been canceled herein, without prejudice, and thus claims 22, 24-31, 33-40 and 42-48 are now pending.

Applicants gratefully acknowledge that examiner's indication that claims 25-27, 29, 30, 34-36, 38, 39, 43-45, 47 and 48 contain allowable subject matter. Claims 25, 34 and 43 have been amended by being rewritten into independent form. Additionally, claims 22, 31 and 40 have been amended. No new matter has been presented.

Reconsideration of the patentability of the claimed subject matter is requested in view of the foregoing amendments and following discussion.

Priority Claim

The application has been objected to under 37 CFR 1.78(a) for not including a paragraph at the beginning of the specification that refers to the parent application upon which the present continuation application claims priority. The specification has been amended as indicated above to add a paragraph including a reference to the parent application. It is noted that a reference to the parent application was previously submitted in the filing transmittal of the present continuation application, so that the additional paragraph added herein should be sufficient to comply with 37 CFR 1.78(a).

Objection to the Claims

Claims 2-8 have been objected to as being dependent on a canceled claim. As claims 2-8 have also been canceled, without prejudice, it is submitted that the objection is no longer applicable.

In addition, claims 25, 34 and 43 have been objected to on the grounds that the examiner believes that the term "request buffer encrypted with said encryption buffer using said second encryption key" should read "request buffer encrypted with said second encryption key". Claims 25, 34 and 43 have been amended in accordance with the examiner's suggestion.

Withdrawal of the objections to the claims is accordingly respectfully requested.

Double Patenting Rejection (Statutory)

Claims 2-21 have been rejected under 35 U.S.C. §101 (statutory doubling patenting) as claiming the same invention as that of claims 2-21 of U.S. Patent No. 6,754,825 which issued from the parent application.

Without commenting on the merits of the double patenting rejection, claims 2-21 have been canceled herein, without prejudice. It is accordingly submitted that the statutory double patenting rejection no longer applies, and its withdrawal is accordingly requested.

Double Patenting Rejection (Non-Statutory)

Claims 22-48 have been rejected on the grounds of non-statutory obviousness-type double patenting over claims 1-19 over U.S. Patent No. 6,754,825 which issued from the parent application and is commonly owned with the present application.

Without commenting on the merits of this rejection, Applicants submit herewith a timely-filed terminal disclaimer under 37 CFR 1.321 to overcome this rejection. Withdrawal of the non-statutory double patenting rejection of claims 22-48 is accordingly respectfully requested.

§ 102 Rejection

Claims 22, 24, 31, 33, 40 and 42 have been rejected under 35 U.S.C. §102(e) as being anticipated by Wright et al., U.S. Patent No. 6.084,969 ('*Wright*').

Independent claims 22, 31 and 40 have been amended to incorporate the features of respective dependent claims 23, 32 and 41 (which have been canceled, without prejudice). As the examiner acknowledges that the features of claims 23, 32 and 41 are not taught by the *Wright* reference, it is submitted that *Wright* does not anticipate the subject matter of independent claims 22, 31 and 40 or of their dependent claims 24, 33 and 42.

Withdrawal of the rejection of claims 22, 24, 31, 33, 40 and 42 under 35 U.S.C. §102(e) based on *Wright* is accordingly respectfully requested.

§ 103 Rejections

Governing Legal Principles

For rejections under 35 U.S.C. Section 103, the establishment of a prima facie case of obviousness requires that all the claim limitations must be taught or suggested by the prior art. MPEP § 2143.03. Additionally, to resolve the issue of patentability based on obviousness, the Examiner must not only look to the teaching in the asserted references that meets the claimed limitations, but must also point to the motivation in the asserted references that invites a combination in the event one reference is devoid of a particular teaching. Simply using the benefit of hindsight in combining references is improper, so that the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. *See In re Lee*, 277 F.3d 1338, 1342-45 (Fed. Cir. 2002).

Furthermore, if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purposes, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Additionally, if the proposed modification of the prior art would change the principle operation of the prior art invention being modified, then the teaching of the reference is not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Discussion

1)   Claims 23, 32 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Wright* in view of U.S. Patent No. 5,724,423 to Khello ('*Khello*').

It is initially noted that claims 23, 32 and 41 have been canceled, without prejudice, and that the subject matter of claims 23, 32 and 41 has been incorporated in independent claims 22, 31 and 40. It is submitted that the independent claims are patentable because the combination of *Wright* and *Khello* does not teach or suggest the feature of determining <u>authorization to use a service</u> requested in the query based on <u>information indicating services accessible by the user</u> <u>contained within said encrypted buffer</u> if the user identification data matches user identification data contained within said encrypted buffer. Support for this feature may be found throughout Applicants' specification.

The examiner acknowledges that *Wright* does not provide any teaching or suggestion as to the above-recited features of independent claims 22, 31 and 40. However, in the Office Action, the examiner states that *Khello*'s teaching of using an uncrypted PIN to determine authorization and access is equivalent to teaching "determining authorization using information contained within the encrypted buffer" (col. 3, lines 10-20) and that it would have been obvious to one of ordinary skill in the art to use the PIN of *Khello* in the encrypted message of *Wright* because it allows a user to conduct secure service transactions."

The section of *Khello* that the examiner refers to at column 3, lines 10-20 refers to an <u>authentication</u> process whereby a user enters a PIN to verify his or her identity in order to access a service rather than <u>an authorization to use a particular service</u>. That this is so is indicated in the subsequent paragraph which provides that a user authentication service (UAS) compares a user entered character string with a stored personal identification character string <u>and if there is a match, the service is authorized</u>. *Khello*, col. 3, line 64 to col. 4, line 2 (emphasis added). In the authentication process taught by *Khello*, there is no information <u>as to which services are accessible to the user</u> that is passed in a query. Instead, the query merely includes an encoded personal identification string, upon which the authentication service authorizes (or does not authorize) a service based on the user's identity rather than on information related to the user's previously obtained entitlement to access particular services. *Id.* at col. 3, lines 50-52.

For at least this reason, it is submitted that the references relied upon do not teach or suggest all of the features of independent claims 22, 31 and 40 (as amended), and that the combination of *Wright* and *Khello* does not render obvious claims 22, 31 and 40 or their dependent claims.

Withdrawal of the rejection of the pending claims (the independent claims, as amended to include features of claims 23, 32 and 41) under 35 U.S.C. §103(a) based on *Wright* and *Khello* is therefore respectfully requested.

2)   Claims 28, 37 and 46 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Wright* in view of U.S. Patent No. 5,117,458 to Takaragi ('*Takaragi*').

Claims 28, 37 and 46 depend from independent claims 22, 31 and 40, respectively, which have been amended as discussed above. It is submitted that the *Takaragi* reference does not cure the deficiencies of the *Wright* (and *Khello*) references with respect to the independent claims (as

amended), in that *Takaragi* also does not teach or suggest determining authorization to use a service requested in the query based on information indicating services accessible by the user contained within said encrypted buffer.

For this reason alone, it is submitted that claims 28, 37 and 46 are patentable over the *Wright* and *Takaragi* references. Withdrawal of the rejection of these claims under 35 U.S.C. §103(a) is accordingly respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly addressed. Applicants therefore respectfully request that the Examiner reconsider the outstanding rejections. The Examiner is invited to telephone the undersigned representative if an interview might expedite allowance of this application.

Respectfully submitted,

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